

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SUMMONS ISSUED

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Mazal Siso,

**BRODIE, J.**  
Plaintiff,

Civil Action No. **CV 12 - 2443**

-against-

National Credit Solutions, L.L.C.,

**POLLAK, M.J.**

**COMPLAINT AND DEMAND  
FOR TRIAL BY JURY**

Defendant.  
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FILED  
CLERK  
2012 MAY 16 PM 2:32  
U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

Plaintiff Mazal Siso ("Plaintiff" or "Siso"), by and through her attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for her Complaint against the Defendant National Credit Solutions, L.L.C. ("Defendant" or "NCS"), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. The Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act ("FDCPA").

**PARTIES**

2. The Plaintiff is a resident of the State of New York, County of Kings, residing at 1559 East 32<sup>nd</sup> Street, Brooklyn, New York 11234.

3. Upon information and belief, the Defendant is an Oklahoma limited liability company with a principal place of business at 3680 East I-240 Service Road, Oklahoma City, Oklahoma 73135, and is authorized to do business in the State of New York.

4. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA.

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. The Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff ("Alleged Debt").

9. On or about April 3, 2012, the Defendant placed a telephone call to the Plaintiff, and left a message for the Plaintiff on the Plaintiff's answering machine.

10. Said message contained personal and confidential information.

11. Said message was an attempt to collect the Alleged Debt, and it was left on an answering machine which was played and heard by one or more third parties who each had the right and opportunity to play same.

12. Said message was heard, amongst others, by the Plaintiff's brother, Chaim Siso.

13. The actions of the Defendant led to embarrassment, harassment, and disclosure of confidential information to a third party.

14. Said actions by Defendant violated 15 U.S.C. Secs. 1692b(2) and 1692c(b), which prohibit communication to a third party and/or stating that a consumer owes a debt.

15. As a result of the Defendant's deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

### **FIRST CAUSE OF ACTION**

#### **(Violations of the FDCPA)**

16. The Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "15" herein with the same force and effect as if the same were set forth at length herein.

17. The Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. Sec. 1692b(2) and 15 U.S.C. Sec. 1692c(b).

18. As a result of the Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

### **DEMAND FOR TRIAL BY JURY**

19. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint for which the Plaintiff is or may be entitled to a jury trial.

### **PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff Mazal Siso demands judgment against the Defendant National Credit Solutions, L.L.C., as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 U.S.C. Sec. 1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 U.S.C. Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
May 15, 2012

Respectfully submitted,

By: 

Samuel A. Ehrenfeld

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